

QUICK REFERENCE TO SELECTED SCHOOL LAW CASES

<u>CASE</u>	<u>IMPACT OF THE CASE</u>
Agostini v. Felton	Title I instructional services may be provided by public school employees in private schools without violating the Establishment Clause.
Baker v. Owen	A statute allowing reasonable corporal punishment, over the parent's objection, for the purpose of maintaining order in the schools, is constitutional.
Bethel School District v. Fraser	Students' lewd and indecent speech is not protected by the First Amendment.
Board of Education v. Allen	A state may permit schools to lend textbooks for use in parochial schools.
Bd. of Ed. - Pottawatomie v. Earls	Drug testing students as a prerequisite to participation in extracurricular activities is constitutional.
Bd. of Ed. - Hendrick Hudson v. Rowley	The requirement for a "free appropriate public education" is satisfied when the state provides personalized instruction with sufficient support services permitting a child to benefit from that instruction.
Bd. of Ed.- Island Trees v. Pico	A local school board must have a sound educational purpose for removing books from a school library and cannot remove books just because it disagrees with the ideas contained in the books.
Bd. of Ed. of Kiryas Joel v. Grumet	A state may not create a special school district designed to serve a distinct religious community.
Bd. of Ed. of Westside v. Mergens	It is unconstitutional for a public school that has created a "limited open forum" to deny a student group's request to use school facilities based on that groups' religious beliefs.
Bown v. Gwinnett (County Sch. Dist.)	A moment for "quiet reflection" does not violate the Establishment Clause of the First Amendment.

Brown v. Bd. of Education (of Topeka)	Students cannot be discriminated against in their admittance to public schools based on their race. Separate-but-equal facilities are inherently unequal.
Church of God v. Amarillo Ind. Sch. Dist.	A school district may not limit the number of excused absences for religious holidays.
Davis v. Monroe County Bd. of Ed.	School districts receiving federal funds can be sued under Title IX when officials ignore serious sexual harassment against students by other students.
Debra P. v. Turlington	A functional literacy test may be required as a prerequisite for a high school diploma, but the test must be a valid measure of instruction.
Doe v. School Bd. of Ouachita Parish	The Louisiana state law authorizing verbal prayer in public schools was unconstitutional.
Edwards v. Aguillard	A statute requiring a balanced treatment of creation science and evolution science violates the First Amendment and, therefore, is unconstitutional.
Engel v. Vitale	It is unconstitutional for states to promote regular recitation of prayer in public schools.
Epperson v. Arkansas	A state may not pass a statute that forbids the teaching of the Darwinian theory of evolution.
Everson v. Bd. of Education	It is constitutional for a state to reimburse the cost of transporting children to sectarian schools as long as the program is part of a larger plan that assists all public school and private school students.
Florey v. Sioux Falls School Dist.	School Christmas programs that include carols are constitutional provided the school ensures that the purpose of the program is secular and does not have the appearance of a religious ceremony.
Freiler v. Tangipahoa Parish Sch. Bd.	Requiring a disclaimer to be read before teaching evolution that suggests evolutionary theory need not dissuade students from believing in the Biblical version of creation is unconstitutional.
Fricke v. Lynch	The First Amendment requires that meaningful measures be taken by schools to protect, rather than to stifle, free expression of students.

Good News Club v. Milford Cent. School	When a school district's policies or practices with respect to the use of school facilities have established, at minimum, a limited public forum, it may not discriminate against an otherwise eligible individual or organization solely because of the group's or individual's religious viewpoint.
Goss v. Lopez	Temporary suspension requires procedural due process.
Hazelwood v. Kuhlmeier	Schools officials may regulate the content of school-sponsored newspapers as long as their actions serve a legitimate educational purpose.
Honig v. Doe	School authorities may not exclude disabled students from school for more than 10 days without the due process procedures of the "Individuals with Disabilities Education Act" or, in special cases (i.e., (child is dangerous), without a court order.
Hopwood v. State of Texas	The University of Texas Law School's broad affirmative action program for admissions was in no way related to past harms and did not survive scrutiny under the equal protection clause.
Ingraham v. Wright	The cruel and unusual punishment clause of the Eighth Amendment does not apply to corporal punishment in schools.
Irving (Independent Sch. Dist.) v. Tatro	Since clean intermittent catheterization is a "related service," school districts must make this service available to disabled children who need it during the school day.
Jones v. Clear Creek Ind. School Dist.	A school district resolution permitting public high school seniors to choose student volunteers to deliver nonsectarian, non-proselytizing invocations at their graduation ceremonies did not unconstitutionally endorse religion.
Lacks v. Ferguson Reorganized Sch. Dist.	A school board's termination of a teacher for allowing student profanity in plays and poetry did not violate the teacher's right to free speech.
Lamb's Chapel v. Center Moriches S.D.	Refusing a church access to school property (to exhibit a religiously oriented film), when the school district allows other organizations access for similar purposes, violates the free speech clause of the First Amendment.

Lau v. Nichols	Schools receiving federal funds must provide their non-English speaking students with some type of special instruction when a substantial number of those students' educations are adversely affected because of the language barrier.
Lee v. Weisman	Inviting clergy to perform invocation and benediction services at an official public school graduation ceremony violates the Establishment Clause.
Lemon v. Kurtzman	State subsidies for nonpublic school teacher salaries, as well as reimbursement to nonpublic schools for expenses incurred in teaching secular subjects, is unconstitutional.
Meritor Savings Bank v. Vinson	Unwelcome sexual advances that create an offensive or hostile working environment violate Title VII.
Mitchell v. Helms	State allocation of educational materials and equipment to private schools, including religious schools, for the intention of implementing secular, neutral and nonideological programs does not violate the Establishment Clause of the First Amendment.
Mozert v. Hawkins (County Pub. Schools)	Requirements that students study a basic reader series was not unconstitutional as violative of students' religious beliefs.
Mt. Healthy (City Sch. Dist.) v. Doyle	The firing of a public employee is unconstitutional if the termination is based solely on the employee's exercise of a constitutionally protected right.
Murphy v. State of Arkansas	The use of achievement tests to monitor home instruction is constitutionally valid.
New Jersey v. T.L.O.	A search of students by school officials is constitutionally permissible if it is reasonable and not excessively intrusive. The Fourth Amendment requires only a "reasonable suspicion," not the higher standard of probable cause required for police searches.
North Haven Bd. of Ed. v. Bell	Title IX protects employees against gender discrimination in educational institutions that receive federal funds.

Owasso v. Falvo	Students grading each other's work does not violate the Family Educational Rights and Privacy Act.
Pickering v. Bd. of Education	A teacher may not be dismissed for statements on a matter of public concern without proof that the statements were false and knowingly or recklessly made.
Pierce v. Society of Sisters	States may not deny children the right to attend adequate private schools and force them to attend only public schools.
Plessy v. Ferguson	A Louisiana law requiring segregation of the races in railway cars and providing for separate-but-equal facilities for both whites and blacks was ruled to be constitutional. (Overturned by Brown v. Bd. of Education)
Plyler v. Doe	A state statute that denies illegal aliens the free public education that is provided to other children violates the Equal Protection Clause of the Fourteenth Amendment.
Regents of the Univ. of Calif. v. Bakke	The use of quotas is not allowable in admissions programs. Race may be used as a factor in admissions, and may even be "weighted," but it cannot be the sole and decisive factor.
San Antonio Ind. Sch. Dist. v. Rodriguez	A funding system based on the local property tax that provides a minimum educational offering to all students is constitutional.
Santa Fe Independent School Dist. v. Doe	A district policy permitting student-led, student-initiated prayer over a public address system at football games is unconstitutional.
School Bd. of Nassau County v. Arline	A person with a contagious disease may be considered a "handicapped person" with respect to Section 504 of the Rehabilitation Act of 1973.
Sch. Dist.- Abington Township v. Schempp	It is unconstitutional for public schools to begin school days with readings from religious texts, even when attendance is not mandatory.

Serrano v. Priest (Calif.)	A property tax, used heavily to finance education, which caused great disparity in quality of education between students from rich and poor districts was in violation of the Equal Protection Clause of the Fourteenth Amendment and California's constitution.
Stone v. Graham	A state statute requiring the posting of the Ten Commandments in every public school classroom is unconstitutional.
Swann v. Charlotte-Mecklenburg	When school authorities fail to devise effective remedies for state-imposed segregation, district courts have broad discretion to fashion a remedy (including busing).
Tinker v. Des Moines	Before denying a student's freedom of expression, a school must have a reasonable forecast of substantial disruption.
Vernonia Sch. Dist. v. Acton	Random drug testing for student athletes is permissible.
Wallace v. Jaffree	A state statute that does not have a clearly secular purpose and that authorizes a period for meditation or voluntary prayer violates the Establishment Clause and is unconstitutional
West Virginia (Bd. of Ed.) v. Barnette	Requiring students to salute and pledge allegiance to the flag is a violation of their First Amendment rights.
Wisconsin v. Yoder	If a compulsory school attendance law for students beyond eighth grade has an adverse effect on the way of life and beliefs of an established religion, the parents' desires as to the form of their children's education will take precedence over the attendance law.
Wygant v. Jackson Bd. of Education	An affirmative retention policy that results in layoffs of nonminority teachers with more seniority violates the Equal Protection Clause and is unconstitutional.
Zelman v. Simmons-Harris	Ohio's school voucher program is constitutional and does not violate the Establishment Clause.

Zobrest v. Catalina Foothills (Sch. Dist.)

The establishment clause does not bar a school district from providing a sign language interpreter to a hearing-impaired student on the premises of a parochial school.

Zorach v. Clauson

Released time for public school students to attend religious classes off public school grounds is constitutional.